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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/821,714	04/09/2004	Richard Lee Kendrick	040092-031700US

20350  
TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834



CONFIRMATION NO. 1533

## FORMALITIES LETTER



\*OC000000013083356\*

Date Mailed: 06/28/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

### *Filing Date Granted*

#### Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450

07/30/2004 CNGUYEN 00000031 502203 10821714 Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

*Jalas*

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Patent No.: 070602-0492

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Customer Number: 31824  
Richard L. Kendrick, et al. : Confirmation Number: 1533  
Serial No.: 10/821,714 : Group Art Unit: 2877  
Filed: April 09, 2004 : Examiner: Not Yet Assigned  
For: PHASE DIVERSITY METHOD :  
AND APPARATUS USING :  
FOURIER TRANSFORM :  
SPECTROSCOPY :

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**RESPONSE TO NOTICE  
OF MISSING PARTS OF APPLICATION**

Sir:

In response to the Notice of Missing Parts of Application dated June 28, 2004, submitted herewith are the following documents for filing in the above-referenced application:

1. Declaration and Power of Attorney (which is in compliance with 37 CFR 1.63);
2. Copy of Notice To File Missing Parts dated June 28, 2004;
3. Late Filing Fee Surcharge of \$130.00;
4. Assignment and Recordation Form Cover Sheet; and
5. Revocation of Power of Attorney, Appointment And Certification Under 37 CFR 3.73(B).

Please charge Deposit Account No. 502203 in the amount of \$130.00. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502203 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP



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**Date: July 28, 2004**

ORC 343293-1.070602.0492